HON'BLE THE CHIEF JUSTICE SRI G.S. SINGHVI
AND
HON'BLE SRI JUSTICE G. V. SEETHAPATHY

Writ Petition No.16974 of 2006

Between:

Sirigiri Bal Raju

… Petitioner

And

The Commissioner, Municipal Administration,
Government of A.P., Hyderabad and others

… Respondents

:: ORDER::

Counsel for the Petitioner: Shri M. Rama Rao

Counsel for Respondents 1 & 2: Government Pleader for
Municipal Administration
and Urban Development

Counsel for Respondent No.3: Shri P. Radhakrishnaiah

Counsel for Respondent No.4: None appeared.

August 23, 2006

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Per G.S. Singhvi, CJ

In this petition filed in the name of public interest, the petitioner has prayed for grant of a declaration that action of respondent Nos.1 to 3 to continue respondent No.4 – Sirigiri Mohan in service despite the fact that he is involved in a theft case registered at Police Station, Karimnagar (Rural) and was kept in judicial custody for more than nine days in contravention to Rule 8 (2)(a) of the Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991 is arbitrary, illegal and against public interest.

We have heard Shri M. Rama Rao and perused the record. In our opinion, the writ petition is liable to be dismissed because the petitioner has not approached the Court with clean hands. In para 3 of the affidavit filed by him, the petitioner has given the particulars of the criminal case registered against respondent No.4 and has averred that even though respondent No.4 remained in judicial custody for nine days, he was not placed under suspension. In paragraph 4, he has averred that respondent No.4 is having more than two children, but he has concealed this fact from the concerned authorities.

In the context of the aforementioned averments, we enquired from learned counsel for the petitioner as to what is the source of his client's knowledge about the total number of children of respondent No.4, but he could not give any satisfactory reply. To us, it appears that the petitioner and respondent No.4 are real brothers. The description of the parties, as given in the cause title of the writ petition, shows that the petitioner and respondent No.4 are sons of Mallaiah. This gives an impression that with a view to settle scores

with his brother, the petitioner has filed this petition in the name of public interest.

The writ petition is liable to be dismissed for another reason. In **Guruvayoor Devaswom Managing Committee v. C.K. Rajan**[1], the Supreme Court held that a petition filed in relation to service conditions of the employees cannot be entertained in the name of public interest.

For the reasons stated above, the writ petition is dismissed.

As a sequel to the dismissal of the writ petition, WPMP No.21286 of 2006 filed for interim relief is also dismissed.

G.S. SINGHVI, CJ

G. V. SEETHAPATHY, J

August 23, 2006

svs

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[1] (2003) 7 SCC 546